

**From:** Joe Byrd  
**To:** Microsoft ATR  
**Date:** 1/28/02 11:57pm  
**Subject:** Microsoft Filing

The attached document is for the Microsoft case.

If you have any questions, please contact, Joe Byrd at 918-453-8100.

Thank you

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Subject: **Microsoft Settlement.**

The National Native American Chamber of Commerce represents Native American and other minority businesses trying to compete in the New Economy. However, with monopolistic players and absurd settlements such as this one, we will continue to be excluded. That is why we are glad to witness that some state Attorneys General, including California's Bill Lockyer, are resisting this regrettable deal and asking the courts to impose a real solution. They deserve our support.

The proposed settlement of the Microsoft antitrust case is little more than a collection of loopholes that amounts to tacit approval for the company's history of mistreating its competitors. What is more, much of the criticism of those opposing the settlement misses three points in particular. First, the proposed settlement does **not** prohibit Microsoft from bundling its software and tightening its grip on Internet applications -- including MSN portal, instant messaging, e-mail, and streaming-media applications. Second, yes, Microsoft must release some programming code to competitors, but only after it has developed its own products. And, third and finally, the independent watchdog group called for in the settlement is all bark and no bite -- it has no teeth for enforcement.

We, the taxpayers, suffer in the long run. Other antitrust violators monitoring the outcome of this case will have a blueprint furnished for them detailing a course of action that will allow them to skirt out legal system. It is a pleasure to side with the state attorney general in admonishing what Justice Department attorneys hide behind in this farce, "the substantial likelihood that Microsoft would avail itself of all opportunities" to appeal.

Bill Lockyer is right to reject a settlement would essentially allow Microsoft to set its own rules and terms for complying with that settlement. Such an outcome is unacceptable -- Microsoft has played "fast and loose" with U.S. antitrust law over and over through the years and has been found guilty in a number of jurisdictions of abusing its power.

Sincerely  
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